



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

DEVAL L. PATRICK  
Governor

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Secretary

KENNETH L. KIMMELL  
Commissioner

### AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("Department" or "MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

**ISSUED TO ["the Permittee"]:**

Mustang Motorcycle Products, LLC  
4 Springfield Street  
Three Rivers, MA 01080

**INFORMATION RELIED UPON:**

Application No. WE-13-011  
Transmittal No. X255305

**FACILITY LOCATION:**

Mustang Motorcycle Products, LLC  
4 Springfield Street  
Three Rivers, MA 01080

**FACILITY IDENTIFYING NUMBERS:**

AQ ID: 0420307  
FMF FAC NO. 413011  
FMF RO NO. 430179

**NATURE OF BUSINESS:**

Fiberglass Motorcycle Seat Manufacturing

**Standard Industrial Classification**

(SIC): 3751

**North American Industrial Classification  
System (NAICS): 336991**

**RESPONSIBLE OFFICIAL:**

Name: Gary Kendrick  
Title: Vice President

**FACILITY CONTACT PERSON:**

Name: Catherine Twiss  
Title: Human Resources Manager  
Phone: 413-283-6236 ext. 106  
Email: ctwiss@mustangseats.com

**This operating permit shall expire on January 8, 2019.**

For the Department of Environmental Protection, Bureau of Waste Prevention

This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.

Michael Gorski  
Regional Director  
Department of Environmental Protection  
Western Regional Office

January 8, 2014

Date

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## **SPECIAL CONDITIONS FOR OPERATING PERMIT**

### **1. PERMITTED ACTIVITIES**

In accordance with the provisions of 310 CMR 7.00:Appendix C and applicable rules and regulations, the Permittee (Mustang Motorcycle Products, LLC) is authorized to operate air emission units as shown in Table 1 and exempt, and insignificant activities as described in 310 CMR 7.00:Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

#### **A. DESCRIPTION OF FACILITY AND OPERATIONS**

Mustang Motorcycle Products, LLC is located at 4 Springfield Street in Three Rivers, Massachusetts. The facility comprises 80,000 square feet of manufacturing and warehousing space where custom designed after market motorcycle seats are designed and manufactured. The facility submitted an operating permit renewal application to MassDEP, which was received on April 4, 2013.

The motorcycle seat manufacturing line includes the following processes: (1) forming the baseplate for the seat, using glass-reinforced plastic composite, also known as fiberglass, or metal; (2) making the cushion for the seat (no air contaminant emissions); and, (3) attaching the cushion to the baseplate, covering with material and packaging for shipment (no air contaminant emissions). The fiberglass reinforced plastic (FRP) composite baseplates are formed using an open mold operation (no closed molding is conducted) which applies gel coats and polyester resin to a baseplate mold by means of mechanical spraying. The mechanical spraying of gel coats and polyester resins are conducted in one of three spray booths. A fourth spray booth is used for research and development or repair of broken molds. The FRP composite baseplate manufacturing process was approved by Plan Approval 1-P-06-031, issued February 8, 2007.

The forming of the FRP composite baseplate begins with treating the mold's surface with a mold release agent in the form of a paste wax to facilitate the removal of the cured composite. The mold defines the form of the FRP composite baseplate. Next, the open molding gel coat operation uses a high volume low pressure (HVLP) spray gun to apply a layer of gel coat on to the mold to form the outer layer of the baseplate. This gel coat layer is allowed to partially cure prior to the application of the fiberglass layer. Then, the open molding resin operation uses a HVLP spray gun with a glass chopper attachment to mix the resin and catalyst streams as they exit the gun while combining with the chopped glass to apply the fiberglass layer to the mold. The fiberglass layer is rolled out or worked by using non-mechanical tools to form the FRP composite baseplate prior to curing. The polyester resin and gel coat materials contain volatile organic compounds (VOCs) and hazardous air pollutants (HAPs), which are comprised of mostly styrene and some methyl methacrylate. No vapor suppressants are contained in the gel coats or polyester resins.

In addition to the motorcycle seat manufacturing line, the facility has a remote reservoir cold cleaning degreaser which is subject to the applicable requirements contained in 310 CMR 7.18(8)(a). The degreaser has been added to the operating permit as Emission Unit #2 since it is not an insignificant source. The applicable requirements have been included in the operating permit.

The facility also includes powder coat spraying, adhesive spraying operation (the adhesive contains no VOCs or HAPs), material storage, and small propane-fired heat sources (<3MMBtu/hr) for the oven and facility heating. This additional equipment is included as insignificant sources in the operating permit application.

The facility is currently not a major source since it does not have the potential to emit major quantities of any applicable air contaminant. In addition a facility-wide restriction on volatile organic compounds (VOCs), individual HAP and total HAPs was established in Plan Approval 1-P-06-031, issued February 8, 2007. However, the United States Environmental Protection Agency (USEPA) determined prior to the establishment of the facility-wide VOC and HAP emission limits contained in the February 2007 plan approval that the facility was a major source under the National Emission Standards for Hazardous Air Pollutants (NESHAPs) and “once in always in”. By being a major source under the NESHAPs, Mustang Motorcycle, LLC is subject to the Operating Permit and Compliance Program pursuant to 310 CMR 7.00: Appendix C(2).

The FRP composite seat manufacturing operation is subject to the National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production, 40 CFR Part 63 Subpart WWWW since the facility was considered to be a major source of HAPs prior to the facility establishing emission caps to formally limit HAP emissions to below major source thresholds and after the first substantive requirement of 40 CFR Part 63 Subpart WWWW. According to 40 CFR 63.5790, the affected source consists of all parts of the facility engaged in open molding, mixing, cleaning of equipment used in reinforced plastic composites manufacture, HAP-containing materials storage, and repair operations on parts the facility manufactures.

To comply with 40 CFR Part 63 Subpart WWWW, the facility has indicated that they are using the applicable equations in Table 1 of 40 CFR Part 63 Subpart WWWW for determining the emission factors (in units of pounds of VOC/organic HAP per ton of material applied) for the open molding gel coat and resin operations. The gel coat operation is currently using the equation listed in #1.f. of Table 1, Subpart WWWW which is for open molding atomized spray gel coat operations with nonvapor-suppressed gel coats. The resin operation is currently using the equation listed in #1.b. of Table 1 to Subpart WWWW of Part 63 which is for open molding atomized mechanical resin operations with nonvapor-suppressed resins.

Table 3 of 40 CFR Part 63 Subpart WWWW contains the organic HAP emission limits for the facility’s specific gel coat and resin operations. The organic HAP emission limits which currently apply to this facility are #6.c. and #3.a. of Table 3. #6.c. is for an open molding gel coat operation, using other pigmented gel coating, which has an organic HAP emission limit of 377 pounds of organic HAP per ton of gel coat based on a 12-month rolling average. #3.a. is for an open molding – tooling resin operation, using mechanical resin application, which has an organic HAP emission limit of 254 pounds of organic HAP per ton of resin based on a 12-month rolling average.

In order to demonstrate compliance with the applicable emission limits for gel coats and resins specified in Table 3 of 40 CFR Part 63 Subpart WWWW, the facility has the option of using one of the compliance options listed in paragraphs (a) through (d) of 40 CFR 63.5810 for each different operation. The facility has currently selected to use the option specified in 40 CFR 63.5810(b) for both the open molding gel coat operation and the open molding – tooling resin operation, using mechanical resin application. This option allows the facility to demonstrate that on average they meet the applicable organic HAP emission limits specified in Table 3 of the subpart. Since multiple compliance options are available for the facility, the Permittee must state in the next compliance report if the Permittee has changed compliance options since the last compliance report in accordance with 40 CFR 63.5910(i).

Massachusetts promulgated the 310 CMR 7.71: Reporting of Greenhouse Gas Emissions regulations on June 26, 2009. Pursuant to 310 CMR 7.71(3)(a)1., the facility is subject to the applicable requirements of this regulation which have been included in this operating permit.

## **2. EMISSION UNIT IDENTIFICATION**

The following emission units (Table 1) are subject to and regulated by this Operating Permit:

<b>Table 1</b>			
<b>Emission Unit (EU#)</b>	<b>Description of Emission Unit</b>	<b>EU Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
1	Fiberglass Reinforced Plastic Composites Seat Manufacturing line (including cleaning materials) – Open molding	320 seats per day	Filter mat
2	Remote Reservoir Cold Cleaning Degreaser	Not Applicable	None

**3. IDENTIFICATION OF EXEMPT ACTIVITIES**

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

Table 2	
Description of Current Exempt Activities	Reason
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the Permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the MassDEP's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.	310 CMR 7.00:Appendix C(5)(h)

#### 4. APPLICABLE REQUIREMENTS

##### A. EMISSION LIMITS AND RESTRICTIONS

The Permittee is subject to the emission limits/restrictions as contained in Table 3 below:

Table 3					
EU #	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No
1	Resins and gel coats, including cleaning materials	VOC		$\leq 2.0$ tons per month <sup>(1)</sup> $\leq 9.9$ tons per year <sup>(2)</sup>	1-P-06-031
		Single HAP		$\leq 1.0$ tons per month <sup>(1)</sup> $\leq 9.9$ tons per year <sup>(2)</sup>	1-P-06-031
		Total HAP	The Permittee shall use resins and gel coats that do not exceed an organic HAP content of 37 percent by weight.	$\leq 2.0$ tons per month <sup>(1)</sup> $\leq 9.9$ tons per year <sup>(2)</sup>	1-P-06-031
			The Permittee shall not exceed an organic HAP emission limit of 377 pounds per ton of gel coat applied. <sup>(3)(5)</sup>	None	40 CFR 63.5805, Table 3, #6.c.
			The Permittee shall not exceed an organic HAP emission limit of 254 pounds per ton of resin applied. <sup>(4)(5)</sup>	None	40 CFR 63.5805, Table 3, #3.a.
2	Degreasing Solvent	VOC	Each degreaser shall use less than 100 gallons of solvent per calendar month	None	Regulation 310 CMR 7.18(8)(a) Regulation 310 CMR 7.18(1) Regulation 310 CMR 7.03(8)
Facility-wide	Any	VOC	None	$\leq 9.9$ tons per year <sup>(2)</sup>	1-P-06-031
		Total HAP	None	$\leq 9.9$ tons per year <sup>(2)</sup>	1-P-06-031
		Greenhouse gas <sup>(6)</sup>	None	N/A	310 CMR 7.71 (state only)

VOC = Volatile Organic Compounds

HAP = Hazardous Air Pollutant

CFR = Code of Federal Regulations

≤ = less than or equal to

Table 3 Foot Notes:

- 1) Emission limits expressed as tons per month are based on a given calendar month
- 2) Emission limits expressed as tons per year are based on a rolling 12 month total
- 3) Limits contained in 40 CFR Part 63 Subpart WWWW Table 3 for open molding, all other pigmented gel coating.
- 4) Limits contained in 40 CFR Part 63 Subpart WWWW Table 3 for open molding – tooling, mechanical resin application.
- 5) In accordance with 40 CFR 63.5900(a)(2), compliance with organic HAP emission limits is demonstrated by maintaining an organic HAP emissions factor value less than or equal to the appropriate organic HAP emissions limit listed in Table 3 of Subpart WWWW, on a 12-month rolling average, and/or by including in each compliance report a statement that individual resins and gel coats, as applied, meet the appropriate organic HAP emissions limits, as discussed in 40 CFR 63.5895(d)
- 6) Green House Gas means any chemical or physical substance that is emitted into the air and that the department may reasonably anticipate will cause or contribute to climate change including, but not limited to, CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, SF<sub>6</sub>, hydrofluorocarbons (HFCs), and perfluorocarbons(PFCs)



**B. COMPLIANCE DEMONSTRATION**

The Permittee is subject to the monitoring/testing, record keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10) and applicable requirements contained in Table 3:

<b>Table 4</b>	
<b>EU#</b>	<b>MONITORING/TESTING REQUIREMENTS</b>
1	1. In accordance with Approval No. 1-P-06-031, the Permittee shall, upon notification by the Department, perform or have performed tests to characterize resin and gel coat volatile organic compound/hazardous air pollutant and solids content according to USEPA prescribed methods to demonstrate compliance, such as Method 24
	2. In accordance with 40 CFR 63.5900(a)(2), the Permittee can demonstrate compliance with each organic hazardous air pollutant emissions standard in 40 CFR 63.5805 that applies to you by maintaining an organic hazardous air pollutant emissions factor value less than or equal to the appropriate organic hazardous air pollutant emissions limit listed in Table 3, on a 12-month rolling average, and/or by including in each compliance report a statement that all resins and gel coats meet the appropriate organic hazardous air pollutant emissions limits, as discussed in § 63.5895(d).
2	3. In accordance with 310 CMR 7.18(8)(h), upon request by MassDEP, perform or have performed tests to demonstrate compliance. Testing shall be conducted in accordance with a method approved by MassDEP and EPA.
Facility-wide	4. In accordance with 310 CMR 7.13 <u>Stack Testing</u> , conduct stack testing, upon written request of the MassDEP, for any air contaminant for which the MassDEP has determined testing is necessary, to ascertain compliance with the MassDEP's regulations or design approval provisos. All such testing shall be conducted in accordance with 310 CMR 7.13 (1) and (2), and in accordance with the applicable procedures specified in 40 CFR 60 Appendix A or other method if approved by the MassDEP and EPA.
	5. The Permittee shall monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.
	6. In accordance with 310 CMR 7.71(1) and Appendix C(9) establish and maintain data systems or record keeping practices (e.g. fuel use records, SF6 usage documentation, Continuous Emissions Monitoring System) for greenhouse gas emissions to ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, St. 2008, c. 298, § 6. (state only)

**Table 4 Notes:**

EU# = Emission Unit Number

CFR = Code of Federal Regulations

USEPA = The United States Environmental Protection Agency

**Table 5a**

EU#	RECORDKEEPING REQUIREMENTS
1	<ol style="list-style-type: none"> <li data-bbox="269 390 1469 537">1. In accordance with Approval No. 1-P-06-031, the Permittee shall establish and maintain a calendar month record of all VOC and HAP emissions from the facility including materials used and the results of the reference test method (Method 24) or the manufacturer's formulation data used for determining VOC and HAP content of those coatings.</li> <li data-bbox="269 537 1469 747">2. In accordance with 40 CFR 63.5895(c), the Permittee must collect and keep records of resin and gel coat use, organic HAP content, and operation where the resin is used if the Permittee is meeting any organic HAP emissions limits based on an organic HAP emissions limit in Table 3 of 40 CFR 63 Subpart WWWW. Resin use records may be based on purchase records if the Permittee can reasonably estimate how the resin is applied. The organic HAP content records may be based on Material Safety Data Sheets or on resin specifications supplied by the resin supplier.</li> <li data-bbox="269 747 1469 852">3. In accordance with Approval No. 1-P-06-031 and 40 CFR 63.5915(c), the Permittee shall keep all data, assumptions, and calculations used to determine organic HAP emissions factors or average organic HAP contents for operations listed in Tables 3, 5, and 7 to 40 CFR Part 63, Subpart WWWW.</li> <li data-bbox="269 852 1469 999">4. In accordance with Approval No. 1-P-06-031, the Permittee shall generate by no later than the 15<sup>th</sup> day of each month a monthly report to determine emissions of VOC and HAP for the previous month and rolling twelve-month total in order to determine compliance with the monthly and rolling twelve-month total emission limits specified in Table 3 herein.</li> <li data-bbox="269 999 1469 1125">5. In accordance with 40 CFR 63.5915(a), the Permittee shall keep a copy of each notification and report that was submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirements in § 63.10(b)(2)(xiv).</li> <li data-bbox="269 1125 1469 1230">6. In accordance with 40 CFR 63.5915(d), the Permittee shall keep a certified statement that they are in compliance with the work practice requirements in Table 4 of 40 CFR Part 63 Subpart WWWW, as applicable.</li> <li data-bbox="269 1230 1469 1667">7. In accordance with 40 CFR 63.5920, the Permittee: <ol style="list-style-type: none"> <li data-bbox="310 1272 1469 1335">a. Shall maintain all applicable records in such a manner that they can be readily accessed and are suitable for inspection according to § 63.10(b)(1).</li> <li data-bbox="310 1335 1469 1419">b. As specified in § 63.10(b)(1), shall keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.</li> <li data-bbox="310 1419 1469 1545">c. Shall keep each record onsite for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to § 63.10(b)(1). The Permittee can keep the records offsite for the remaining 3 years.</li> <li data-bbox="310 1545 1469 1667">d. May keep records in hard copy or computer readable form including, but not limited to, paper, microfilm, computer floppy disk, magnetic tape, or microfiche.</li> </ol> </li> </ol>

<b>Table 5b</b>	
<b>EU#</b>	<b>RECORDKEEPING REQUIREMENTS</b>
2	8. In accordance with 310 CMR 7.03(6), establish and maintain a recordkeeping system on-site and in sufficient detail to document the date of construction, substantial reconstruction or alteration and that the respective emission rates, operational limitations, equipment specifications and other requirements pursuant to 310 CMR 7.03 are met. All records shall be maintained up-to-date such that year-to-date information is readily available for Department examination.
	9. In accordance with 310 CMR 7.18(8)(g), prepare and maintain daily records sufficient to demonstrate continuous compliance. Records kept to demonstrate compliance shall be kept on site for three years and shall be made available to representatives of the Department and USEPA in accordance with the requirements of an approved compliance plan or upon request. Such records shall include, but are not limited to: a. identity, quantity, formulation and density of solvent(s) used; b. quantity, formulation and density of all waste solvent(s) generated; c. actual operational and performance characteristics of the degreaser and any appurtenant emission capture and control equipment, if applicable; and d. any other requirements specified by the Department in any approval(s) and/or order(s) issued to the person.
Facility-wide	10. In accordance with 310 CMR 7.00 Appendix C(10)(b), maintain records of all monitoring data and supporting information, including all stack test results and all ambient air quality modeling results, on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application.
	11. In accordance with 310 CMR 7.00 Appendix C(10)(b), the Permittee shall maintain comprehensive and accurate records onsite to demonstrate compliance with the facility-wide total HAP and VOC emission limits contained in Table 3 above. Records shall also include the actual emissions of air contaminant(s) emitted for each calendar month and for each consecutive twelve month period (current month plus prior eleven months). These records shall be compiled no later than the 15 <sup>th</sup> day following each month.
	12. In accordance with 310 CMR 7.12(3)(b), maintain copies of Source Registration and other information supplied to the Department to comply with 310 CMR 7.12, which shall be retained by the facility owner or operator for five years from the date of submittal.
	13. In accordance with 310 CMR 7.71 (6) b. and c. retain at the facility for five years and make available to the Department upon request copies of the documentation of the methodology and data used to quantify emissions. (state only)

**Table 5 Notes:**

EU# = Emission Unit Number

VOC = Volatile Organic Compound

HAP = Hazardous Air Pollutant

CFR = Code of Federal Regulations

USEPA = The United States Environmental Protection Agency

**Table 6a**

EU#	REPORTING REQUIREMENTS
1	<p>1. In accordance with Approval No. 1-P-06-031, The Regional Bureau of Waste Prevention office must be notified by telephone or fax as soon as possible, but no later than one (1) business day, after the occurrence of any upsets or malfunctions to the facility equipment, air pollution control equipment, or monitoring equipment which result in an excess emission to the air and a potential for a condition of air pollution.</p> <p>2. In accordance with Approval No. 1-P-06-031, the Permittee shall report within fifteen (15) days after the end of a calendar month if any emission limits are exceeded.</p> <p>3. In accordance with Approval No. 1-P-06-031, the Permittee shall submit within thirty-one (31) days after the end of each calendar year (by January 31 of each year) the previous twelve (12) monthly reports generated pursuant to Approval 1-P-06-031.</p> <p>4. In accordance with 40 CFR § 63.5910(b)(5) and (c), the Permittee shall submit a semi-annual compliance reports according to the dates detailed in General Condition 10.B.of this Permit. The compliance report must contain the following information</p> <ul style="list-style-type: none"> <li>a. Company name and address</li> <li>b. Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.</li> <li>c. Date of the report and beginning and ending dates of the reporting period.</li> <li>d. If there are no deviations from any organic HAP emissions limitations (emissions limit and operating limit) that apply to you, and there are no deviations from the requirements for work practice standards in Table 4 of 40 CFR Part 63 Subpart WWWW, a statement that there were no deviations from the organic HAP emissions limitations or work practice standards during the reporting period.</li> </ul> <p>5. In accordance with 40 CFR 63.5900(b), the Permittee must report each deviation from each standard in 40 CFR 63.5805 that applies to you. The deviations must be reported according to the requirements in 40 CFR 63.5910.</p> <p>6. In accordance with 40 CFR 63.5910 (d), for each deviation from an organic HAP emissions limitation (<i>i.e.</i>, emissions limit and operating limit) and for each deviation from the requirements for work practice standards that occurs, the semi-annual compliance report must also include the following information.</p> <ul style="list-style-type: none"> <li>a. The total operating time of each affected source during the reporting period.</li> <li>b. Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.</li> </ul> <p>The Permittee shall submit this information on the operating permit deviation report forms and in accordance with the timelines contained in Section 25.PERMIT DEVIATION of this Operating Permit.</p> <p>7. In accordance with 40 CFR 63.5910(h), submit compliance reports based on the requirements in Table 14 of 40 CFR Part 63 Subpart WWWW, and not based on the requirements in 40 CFR 63.999.</p> <p>8. In accordance with 40 CFR 63.5910(i), where multiple compliance options are available, the Permittee must state in the next compliance report if the Permittee has changed compliance options since the last compliance report.</p>

**Table 6b**

EU#	REPORTING REQUIREMENTS
2	9. In accordance with 310 CMR 7.03(5) report to MassDEP any construction, substantial reconstruction or alteration, as described in 310 CMR 7.03, on the next required source registration.
Facility-wide	10. In accordance with Approval No. 1-P-06-031 and 310 CMR 7.12, the Permittee shall submit a Source Registration/Emission Statement Form to the MassDEP on an annual basis.
	11. In accordance with 310 CMR 7.13(1) and 7.13(2), if determined by the Department that stack testing is necessary to ascertain compliance with the Department's regulations or design approval provisos shall cause such stack testing to be summarized and submitted to the Department as prescribed in the agreed to pretest protocol.
	12. In accordance with 310 CMR 7.00 Appendix C(10)(c), the Permittee shall report a summary of all monitoring data and related supporting information to MassDEP at least every six months (January 30 and July 30 of each calendar year). (See <b>General Condition #10 in "GENERAL CONDITIONS FOR OPERATING PERMIT"</b> ).
	13. Submit Annual Compliance report to MassDEP and EPA by January 30 of each year and as required by General Condition 10 of this Permit. (See <b>General Condition #10 in "GENERAL CONDITIONS FOR OPERATING PERMIT"</b> ).
	14. In accordance with 310 CMR 7.00 Appendix C(10)(a), submit to MassDEP any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by MassDEP.
	16. In accordance with 310 CMR 7.71(5), by April 15 <sup>th</sup> , 2010 and April 15 <sup>th</sup> of each year thereafter report emissions of greenhouse gases from stationary emissions sources including, but not limited to, emissions from factory stacks, manufacturing processes and vents, fugitive emissions, and other process emissions; and owned or leased motor vehicles when stationary source greenhouse gas emissions are greater than 5,000 short tons CO <sub>2</sub> e. Report greenhouse gas emissions electronically in a format that can be accommodated by the registry. (state only)
	17. In accordance with 310 CMR 7.71(6), certify greenhouse gas emissions reports using a form provided by the Department or the registry. (state only)
	18. In accordance with 310 CMR 7.71(7), by December 31 <sup>st</sup> of the applicable year submit to the Department documentation of triennial verification of the greenhouse gas emissions report. (state only)

**C. GENERAL APPLICABLE REQUIREMENTS**

The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

**D. REQUIREMENTS NOT CURRENTLY APPLICABLE**

The Permittee is currently not subject to the following requirements:

<b>Table 7</b>	
<b>REGULATION</b>	<b>DESCRIPTION/REASON</b>
40 CFR Part 64 Compliance Assurance Monitoring	Facility does not employ a control device for a pollutant that it is major for.
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	Facility employs less than 250 people.

## **5. SPECIAL TERMS AND CONDITIONS**

The Permittee is subject to the following special provisions that are not contained in Table 3, 4, 5, and 6:

<b>Table 8a</b>	
<b>SPECIAL TERMS AND CONDITIONS</b>	
1	1. In accordance with Approval No. 1-P-06-031, the Permittee shall employ all reasonable good housekeeping practices to minimize fugitive VOC emissions from the use of cleanup solutions and the handling of coatings and other VOC containing materials; and shall keep tightly covered any containers containing VOC materials as much as practical during use and at all times when not being used.
	2. In accordance with 40 CFR 63.5805, all operations must meet the organic HAP emissions limits in Table 3 of 40 CFR Part 63 Subpart WWWW and the work practice standards in Table 4 of 40 CFR Part 63 Subpart WWWW that apply.
	3. In accordance with 40 CFR 63.5810, the Permittee must use one of the methods in 63.5810 (a) through (d) to meet the standards for open molding in Table 3 of Subpart WWWW. The necessary calculations must be completed within 30 days after the end of each month. You may switch between the compliance options in 63.5810 (a) through (d). When you change to an option based on a 12-month rolling average, you must base the average on the previous 12 months of data calculated using the compliance option you are changing to, unless you were previously using an option that did not require you to maintain records of resin and gel coat use. In this case, you must immediately begin collection resin and gel coat use data and demonstrate compliance 12 months after changing options.
	4. In accordance with 40 CFR 63.5835(a), the Permittee must be in compliance at all times with the work practice standards in Table 4 of 40 CFR Part 63 Subpart WWWW, as well as the organic HAP emissions limits in Tables 3 that you are meeting without the use of add-on controls.
	5. In accordance with 40 CFR 63.5835(c), the Permittee must always operate and maintain your affected source, according to the provisions in 40 CFR 63.6(e)(1)(i).
	6. In accordance with 40 CFR 63.5805(g), if the Permittee has repair operations subject to 40 CFR Part 63, Subpart WWWW as defined in 40 CFR 63.5785, these repair operations must meet the requirements in Tables 3 and 4 of Subpart WWWW.
	7. In accordance with 40 CFR Part 63 Subpart WWWW Table 4, the Permittee shall not use cleaning solvents that contain HAP, except that styrene may be used as a cleaner in closed systems, and organic HAP containing cleaners may be used to clean cured resin from application equipment. Application equipment includes any equipment that directly contacts resin.
	8. In accordance with 40 CFR Part 63 Subpart WWWW Table 4, the Permittee shall keep containers that store HAP-containing materials closed or covered except during the addition or removal of materials. Bulk HAP-containing materials storage tanks may be vented as necessary for safety.
	9. In accordance with Approval No. 1-P-06-031, each paint spray booth shall utilize two or more layers of dry fiber mat filter with a total thickness of at least two inches or an equivalent system as determined in writing by the MassDEP that achieves particulate control efficiency of at least 97% by weight. Filter material shall be disposed in accordance with all applicable MassDEP regulations.
	10. In accordance with Approval No. 1-P-06-031, the spray booths shall have stacks that discharge vertically upwards and shall not have rain protection of a type that restricts the vertical exhaust flow. The stack gas exit velocity shall be greater than 40 feet per second and the stack exit height shall be 35 feet above the ground or ten feet above roof level.
	11. Emission Unit 1 is subject to the requirements of 40 CFR 63.1-15, Subpart A, "General Provisions" [as indicated in Table 15 to Subpart WWWW of 40 CFR 63]. Compliance with all applicable provisions therein is required

**Table 8b**

**SPECIAL TERMS AND CONDITIONS**

2	<p>12. In accordance with 310 CMR 7.18(8)(a)3., ensure the remote solvent reservoir has an open drain area less than 100 square centimeters, otherwise the requirements of 310 CMR 7.18(8)(a)3.a.-e. shall apply.</p> <p>13. In accordance with 310 CMR 7.18(1)(c), store and dispose of volatile organic compounds (VOCs) in a manner which will minimize evaporation to the atmosphere. Proper storage shall be in a container with a tight fitting cover. Proper disposal shall include incineration in an incinerator approved by MassDEP, transfer to another person licensed by MassDEP to handle VOC, or any other equivalent method approved by MassDEP.</p> <p>14. In accordance with 310 CMR 7.18(8)(a)1., use solvent in the cold cleaning degreaser which has a vapor pressure that does not exceed 1.0 mm Hg measured at 20 degrees Celsius. This requirement shall not apply to the following:</p> <ul style="list-style-type: none"> <li>a. cold cleaning degreasers used in special and extreme solvent metal cleaning;</li> <li>b. cold cleaning degreasers for which the owner or operator has received Department approval of a demonstration that compliance with the requirement to use a solvent with a vapor pressure of 1.0 mm Hg or less at 20 degrees Celsius will result in unsafe operating condition; and</li> <li>c. cold cleaning degreasers that are located in a permanent total enclosure having control equipment that is designed and operated with an overall VOC control efficiency of 90% or greater.</li> </ul> <p>15. In accordance with 310 CMR 7.18(8)(a)2., immediately repair any leaks, or the degreaser shall be shut down.</p> <p>16. In accordance with 310 CMR 7.18(8)(e)1. through 3, operate any solvent metal degreaser using procedures which minimize evaporative emissions and prohibit spills from the use of said degreaser. Such procedures include but are not limited to:</p> <ul style="list-style-type: none"> <li>a. notification to operators of the performance requirements that must be practiced in the operation of the degreaser, including the permanent and conspicuous posting of labels in the vicinity of the degreaser detailing performance requirements; and</li> <li>b. storage of waste degreasing solvent in closed containers, and disposal or transfer of waste degreasing solvent to another party, in a manner such that less than 20% of the waste degreasing solvent by weight can evaporate in to the atmosphere; and</li> <li>c. where applicable, supplying a degreasing solvent spray which is a continuous fluid stream (not a fine, atomized or shower type spray) at a pressure which does not exceed ten pounds per square inch as measured at the pump outlet, and use any such spray within the confines of the degreaser.</li> </ul> <p>17. In accordance with 310 CMR 7.18(8)(f), maintain instantaneous and continuous compliance at all times.</p>
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**6. ALTERNATIVE OPERATING SCENARIOS**

The Permittee did not request alternative operating scenarios in its operating permit application.

**7. EMISSIONS TRADING**

**A. INTRA-FACILITY EMISSION TRADING**

The Permittee did not request intra-facility emissions trading in its Operating Permit application.

**B. INTER-FACILITY EMISSION TRADING**

The Permittee did not request inter-facility emissions trading in its operating permit application.

**8. COMPLIANCE SCHEDULE**

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

## **GENERAL CONDITIONS FOR OPERATING PERMIT**

### **9. FEES**

The Permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

### **10. COMPLIANCE CERTIFICATION**

All documents submitted to the MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

#### **A. Annual Compliance Report and Certification**

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this Operating Permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- 4) any additional information required by the MassDEP to determine the compliance status of the source.

#### **B. Semi-Annual Monitoring Summary Report and Certification**

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this Permit. The report shall be postmarked or delivered by January 30 and July 30 to the MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- 4) whether there were any deviations during the reporting period;
- 5) if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- 6) whether deviations in the reporting period were previously reported;
- 7) if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- 8) if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- 9) any additional information required by the MassDEP to determine the compliance status of the source.

## **11. NONCOMPLIANCE**

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for Permit termination or revocation, or for denial of an Operating Permit renewal application by the MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this Permit.

## **12. PERMIT SHIELD**

- A. This facility has a permit shield provided that it operates in compliance with the terms and conditions of this Permit. Compliance with the terms and conditions of this Permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the Permittee's application and as identified in this Permit.

Where there is a conflict between the terms and conditions of this Permit and any earlier approval or Permit, the terms and conditions of this Permit control.

- B. The MassDEP has determined that the Permittee is not currently subject to the requirements listed

in Section 4, Table 7.

C. Nothing in this Permit shall alter or affect the following:

- 1) the liability of the source for any violation of applicable requirements prior to or at the time of Permit issuance.
- 2) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
- 3) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

### **13. ENFORCEMENT**

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, 7.70 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A

All other terms and conditions contained in this Permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the MassDEP, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

### **14. PERMIT TERM**

This Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date 5 years after issuance of this Permit.

Permit expiration terminates the Permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this Permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

### **15. PERMIT RENEWAL**

Upon the MassDEP's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the MassDEP on the renewal application.

In the event the MassDEP has not taken final action on the Operating Permit renewal application prior to this Permit's expiration date, this Permit shall remain in effect until the MassDEP takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

## **16. REOPENING FOR CAUSE**

This Permit may be modified, revoked, reopened, and reissued, or terminated for cause by the MassDEP and/or EPA. The responsible official of the facility may request that the MassDEP terminate the facility's Operating Permit for cause. The MassDEP will reopen and amend this Permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the Permittee for an Operating Permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any Operating Permit condition.

## **17. DUTY TO PROVIDE INFORMATION**

Upon the MassDEP's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, the Permittee shall furnish to the MassDEP copies of records that the Permittee is required to retain by this Permit.

## **18. DUTY TO SUPPLEMENT**

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The Permittee shall promptly, on discovery, report to the MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to the MassDEP.

## **19. TRANSFER OF OWNERSHIP OR OPERATION**

This Permit is not transferable by the Permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the Permit is necessary and provided that a written agreement containing a specific date for transfer of Permit responsibility, coverage and liability between current and new Permittee, has been submitted to the MassDEP.

## **20. PROPERTY RIGHTS**

This Permit does not convey any property rights of any sort, or any exclusive privilege.

## **21. INSPECTION AND ENTRY**

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of the MassDEP, and EPA to perform the following:

- A. enter upon the Permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this Permit;
- B. have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- C. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- D. Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the Operating Permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

## **22. PERMIT AVAILABILITY**

The Permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the Operating Permit, including any amendments or attachments thereto, upon request by the MassDEP or EPA.

## **23. SEVERABILITY CLAUSE**

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

## **24. EMERGENCY CONDITIONS**

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based<sup>1</sup> emission limitations specified in this Permit as a result of an emergency<sup>2</sup>. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative

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<sup>1</sup> Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

<sup>2</sup> An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the Permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. the permitted facility was at the time being properly operated;
- C. during the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- D. the Permittee submitted notice of the emergency to the MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

## **25. PERMIT DEVIATION**

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this Permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supersede the following deviation reporting requirements, if applicable.

The Permittee shall report to the MassDEP's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone, fax or electronic mail (e-mail) , within three (3) days of discovery of such deviation:

- A. Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- B. Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the Permit or approval as surrogate for an emission limit.
- C. Exceedances of Permit operational limitations directly correlated to excess emissions.
- D. Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- E. Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the MassDEP Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site,

<http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

This report shall include the deviation, including those attributable to upset conditions as defined in the

Permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone, fax or electronic mail (e-mail) within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

## **26. OPERATIONAL FLEXIBILITY**

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the Permit and in compliance with all applicable requirements provided the Permittee gives the EPA and the MassDEP written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's Permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

## **27. MODIFICATIONS**

- A. Administrative Amendments - The Permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- B. Minor Modifications - The Permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- C. Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).
- D. No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this Operating Permit. A revision to the Permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an Operating Permit revision under any other applicable requirement.

## **28. OZONE DEPLETING SUBSTANCES**

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

- A. The Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:



- 1) All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
  - 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.
  - 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
  - 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
- 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
  - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
  - 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.
  - 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
  - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- C. If the Permittee manufactures, transforms, imports or exports a class I or class II substance, the Permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".
- D. If the Permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the Permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners". The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.
- E. The Permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, "Significant New Alternatives Policy Program".

## **29. PREVENTION OF ACCIDENTAL RELEASES**

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

Your facility is subject to the requirements of the General Duty Clause, under 112(r)(1) of the CAA Amendments of 1990. This clause specifies that owners or operators of stationary sources producing, processing, handling or storing a chemical in any quantity listed in 40 CFR Part 68 or any other extremely hazardous substance have a general duty to identify hazards associated with these substances and to design, operate and maintain a safe facility, in order to prevent releases and to minimize the consequences of accidental releases which may occur.

## **APPEAL CONDITIONS FOR OPERATING PERMIT**

This Permit is an action of the MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this Permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a Permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the Permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The MassDEP may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.